



PAUL RICHARD LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION
133 FYFE ROAD
P.O. BOX 307
WEST FARMINGTON, MAINE
04992-0307

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

AMENDMENT B TO DEVELOPMENT PERMIT DP 4558

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Tellis F. Fenwick, Jr. for Amendment B to Development Permit DP 4558, finds the following facts:

1. Applicant: Tellis F. Fenwick, Jr.
PO Box 182
Kingfield, Maine 04947
2. Date of Completed Application: October 28, 2013
3. Location of Proposal: Salem Township, Franklin County
Lot #5.11 on Plan 01, Map FR027
4. Zoning: (M-GN) General Management Subdistrict
5. Lot Size: 10 Acres (owned)
6. Existing Development: Sand-Salt Storage Asphalt Slab (100 ft. by 150 ft.)
Office Trailer (14 ft. by 66 ft.)
Open Storage Shed to be Enclosed (8 ft. by 15 ft.)
Salt Storage Shed (20 ft. by 20 ft.)
Calcium Chloride Vertical Storage Tank (2,500 gallon)
Garage (40 ft. by 54 ft. and 10 ft. by 24 ft.)
w/Attached Open Shed (10 ft. by 20 ft.)
7. Proposed Development: Addition to Garage (12 ft. by 40 ft.)
Gate Across Access Drive
8. Sewage Disposal: Existing Combined System

NICHOLAS LIVESAY, DIRECTOR

www.maine.gov/acf/lupc
PHONE: (207) 287-2631
FAX: (207) 287-7439
TTY: (888) 577-6690

Background Information

9. Development Permit DP 4556, issued to the applicant in October of 2000, permitted development and operation of a sand-salt storage facility at the applicant's property along State Route #142. Access to Route #142 is by an existing 16-foot gravel access road. Development Permit DP 4556 authorized the construction of a 100 foot by 150 foot asphalt slab for the storage and mixing of the sand-salt piles and loading of trucks, installation of a 10 foot by 50 foot office trailer and installation of a combined sewage disposal system to serve the office trailer. The permitted asphalt slab was to have a storage capacity of approximately 8,000 cubic yards. Condition #5 of Development Permit DP 4558 required that the sand/salt stocks be covered with a minimum 10-mil. impermeable tarpaulin in order to prevent salt leachate from contaminating surface or ground waters. An expiration date of May 30, 2005 was established for Development Permit DP 4558 under Condition #11 of that permit, with a provision that the permit could be extended provided that the applicant's facility meets applicable state and federal requirements for sand -salt storage facilities at the time of permit renewal.

The permitted asphalt slab has been constructed and the office trailer installed. The combined sewage disposal system permitted under Development Permit DP 4558 for the office trailer was not installed. The applicant has submitted a subsurface wastewater disposal system application completed by Licensed Site Evaluator Brian Kelly and dated November 7, 2003, for a system that was installed for the office trailer instead of the system permitted under Development Permit DP 4558. The applicant has also submitted the Certificate of Inspection for this system signed by the Local Plumbing Inspector.

10. Commission staff conducted several site inspections in November and December of 2000 and in January of 2001. During those inspections, staff observed that the applicant had used a 6-mil polyethylene tarpaulin, rather than 10-mil as required, to cover the sand/salt stockpiles, and that the tarpaulin had failed due to wind and cold temperatures. In addition, staff found that the installed office trailer was of different dimensions than as permitted; and that a containment structure housing a single 500-gallon diesel tank had been installed on the property without prior permit approval. [Reference: Enforcement Case EC 00-163, resolved].
11. Amendment A to Development Permit DP 4558, issued to the applicant in January of 2002, authorized the use of two layers of 6-mil. tarpaulin to cover the sand-salt pile, instead of the single layer of 10-mil. tarpaulin as had been required under Development Permit DP 4558 (see Condition #9). Amendment A also granted after-the-fact approval for the dimensions of the office trailer as installed, and the fuel containment structure with the single 500-gallon tank to hold road grade diesel fuel, as installed.

Amendment A also authorized the construction of a 12-foot by 24-foot salt storage shed on the asphalt slab, an 18-foot by 40 foot storage shed and a 6 foot by 8 foot storage shed, and the installation of a gate on the access road to the facility.

Condition #10 of Amendment A required that the applicant register his sand/salt storage facility with the Maine Department of Environmental Protection. Condition #12 limited fuel storage on site to a single 660-gallon capacity tank or smaller unless prior approval was obtained from the

Commission. Condition #13 maintained the May 30, 2005 expiration date of permit approval established under Condition #11 of Development Permit DP 4558.

12. Commission staff subsequently visited the site in August of 2002, and found that the sand salt pile was again uncovered. [Reference: Enforcement Case EC 02-110, resolved].
13. Commission staff visited the site again in January of 2013 and observed the following:
 - A. The sand salt pile was uncovered.
 - B. The storage shed permitted under Amendment A has been constructed and is utilized as a garage. The garage was also constructed to be larger than permitted: 40 feet by 54 feet attached to 10 feet by 24 feet, with an attached 10 foot by 20 foot open shed. There are no floor drains in the garage floor.
 - C. The salt storage shed permitted under Amendment A has been constructed on the asphalt slab and is 20 feet by 20 feet rather than 12 feet by 24 feet as permitted.
 - D. A 2,500 gallon vertical calcium chloride tank has been installed on the asphalt slab.
 - E. The permitted office trailer is 14 feet by 66 feet.
 - F. A second 500 gallon diesel fuel tank has been installed in the fuel storage shed.
 - G. The 6 foot by 8 foot storage shed and the gate across the access drive that were permitted under Amendment A have not been constructed.

All observed structures meet the Commission's minimum setback requirements for commercial structures under Section 10.26,D,2 of the Commission's Land Use Districts and Standards.

At the time of the site visit the applicant had not registered his facility with the MDEP as required by Amendment A, nor had he obtained any approvals from the Commission or the State Fire Marshal's Office for the installation of the second diesel fuel storage tank.

Proposal

14. The applicant now seeks amendment approval for the following:
 - A. Extension of the expiration date of Development Permit DP 4558 and Amendment A to allow continued operation of the facility.
 - B. The change in dimensions of the previously permitted garage, salt storage shed and office trailer, as reflected in Finding of Fact #6 above.
 - C. The 2,500 gallon vertical calcium chloride tank.
 - D. A proposed 12 foot by 40 foot addition to the existing garage.
 - E. A gate across the access road as was previously permitted under Amendment A.
 - F. Enclose the existing open shed, formerly used to house diesel fuel tanks, for use as a storage building.

The applicant had also initially sought after-the-fact approval for the installation of the second diesel fuel tank at his facility. However, he subsequently removed both diesel fuel tanks from the facility, in lieu of obtaining the required license from the State Fire Marshal's Office (see

Finding of Fact #17 below), and no longer proposes any fuel storage tanks at his facility. Commission staff verified the removal of the tanks during a site visit on October 28, 2013.

The applicant also no longer proposes to construct the 6 foot by 8 foot storage shed that was permitted under Amendment A.

All existing and proposed/modified structures are as shown on a site plan as last revised October 28, 2013, based upon the Commission staff's most recent site visit.

Review Agency Comments

15. The Maine Geological Survey (MGS) comments that the project site is located over a Significant Sand and Gravel Aquifer as delineated by the MGS. According to the MGS' mapping of the area, the bedrock surface appears to be approximately 100 feet below land surface and the depth to the water table is about 10 feet below land surface. The MGS further comments that the applicant is not in compliance with all the requirements of the Commission, the MDEP and the State Fire Marshal's Office. The MGS further states that absence of stress indicators in nearby vegetation is not necessarily indicative of no migration of salt off site since salt plumes would tend to migrate downward unless there is a hydraulically restrictive soil horizon that would limit such movement. The MGS recommends that all permits be held until compliance with all agencies is met.
16. In March of 2013, the Maine Department of Environmental Protection (MDEP) staff received the applicant's request for a variance under Chapter 574, Sections 6(A) and 6(B) of the MDEP's rules to allow continued operation of his facility over a mapped sand and gravel aquifer and to allow the sand/salt pile to remain uncovered. The MDEP approved the applicant's variance request in a letter dated June 10, 2013. As a basis for its approval of the applicant's variance request, the MDEP states the following:
 - A. The project site is not near any municipal water supplies, and the nearest private water supply, being the applicant's own well, is more than 500 feet which exceeds the MDEP's minimum setback requirement of 300 feet.
 - B. The salt storage building is located in accordance with Chapter 574, Section 4 of the MDEP's regulations.
 - C. A minimal amount of salt, approximately 60 tons of salt to approximately 5,000 cubic yards of sand, is mixed into the sand/salt pile to keep it from freezing during storage. "Hot loads," where additional salt is added in sufficient quantities to treat roads, are mixed as they are loaded into the truck, and are not stored at the site.
 - D. The project site was originally permitted by the Commission in 2000 and is in a central location for the applicant's Franklin County road maintenance contracts.
 - E. Storm water is generally contained on the asphalt slab with little run off to the adjacent gravel parking area.
 - F. After 14 years of storing salt/sand on site, MDEP staff did not observe any evidence of damage to vegetation at the site from any significant migration of salt off of the asphalt slab.
 - G. MDEP staff conducted a Terrain Conductivity Survey (TCS) that confirmed surficial runoff and ground water discharge to the south under Route 142 to a small unnamed pond

approximately 700 feet away. Based on test pits completed for the installation for the sewage disposal system on site and another pit dug by MDEP staff on the west side of the asphalt slab, MDEP staff conclude that a confining clay layer is located approximately 48 inches below ground surface. Evidence of the confining layer is supported by ponding of surficial water in the immediate vicinity of the sand/salt storage pile.

17. The State Fire Marshal's office (SFMO) states that prior to 2005, owners of a single tank of 660 gallons or less of fuel were not required to obtain a full SFMO permit but were still required to register the tank with the SFMO, meet certain requirements for registration, and submit information to the SFMO to document compliance with those requirements. At that time, if the SFMO determined that the facility met the requirements for registration, it would issue a registration certificate to the tank owner. The SFMO adopted new rules in 2005 that discontinued the registration program and required owners of all fuel tanks, even those under 660 gallons, to obtain a full permit from the SFMO. Tank owners who had previously registered their tanks are allowed to continue operating their facility so long as the tank facility remains in compliance with its registration.

After SFMO staff conducted an extensive search of its records, and the failure of the applicant to submit documentation showing he had obtained a SFMO registration or permit for his fuel storage facility, the SFMO concluded that the applicant must obtain a permit for his fuel storage facility and must meet the SFMO's current statutes and rules if he wished to keep his fuel storage facility. The SFMO further stated that removal of one of the 500 gallon diesel tanks so that only one remains as permitted by the Commission under Amendment A, would not revalidate a SFMO registration or permit that never existed, and would have no effect on the need for the applicant to obtain a SFMO permit for a fuel storage facility.

18. The facts are otherwise as represented in Development Permit Application DP 4558, Amendment Requests A and B, and supporting documents.

Based upon the above Findings, the staff concludes that, if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Tellis F. Fenwick, Jr. with the following conditions:

1. The Standard Conditions (ver. 04/04), a copy of which is attached.
2. All clearing of vegetation on the lot must comply with the Commission's standards for vegetation clearing, Section 10.27, B, a copy of which is attached.
3. All filling and grading activities on the lot must comply with the Commission's standards for Filling and Grading, Section 10.27, F, a copy of which is attached.
4. All signs installed at the facility must comply with the Commission's sign standards, Section 10.27, J, a copy of which is attached.

5. All permitted structures must set back more than 75 feet from U.S. Route 142 and 25 feet from other property boundary lines.
6. The permitted asphalt slab must be maintained with an impermeable bituminous floor of at least minimum 3 inches thickness, without floor drains. Storage of sand and salt, and mixing and loading of salt and salt-sand materials must occur wholly on the permitted asphalt slab. Should spillage of salt or salt-sand materials occur, the spilled material must be immediately cleaned up and returned to the slab area.
7. Floor drains must not be installed in the permitted garage including the approved garage addition.
8. Adequate measures must be taken to divert storm water flows away from the permitted sand/salt storage shed, to a vegetated buffer. All areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.
9. A vegetative buffer sufficient to screen the facilities from view must be maintained between the permitted structures on the permittee's lot and surrounding residential uses.
10. The permittee must comply with the provisions of the Maine Department of Environmental Protection's approval of the variance pursuant to the MDEP's June 10, 2013 letter to the permittee.
11. Storage of sand and salt is restricted to the structures located on the asphalt slab and specifically designed and approved for that use.
12. This permit for the operation of the sand/salt facility is valid for five years from the date of issuance. This permit may be extended provided the permittee's proposal meets applicable state and federal requirements for sand-salt facilities in effect at that time.
13. All conditions of Development Permit DP 4558 and Amendment A are superseded by the conditions of this amendment.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT WEST FARMINGTON, MAINE, THIS 1ST DAY OF NOVEMBER, 2013.

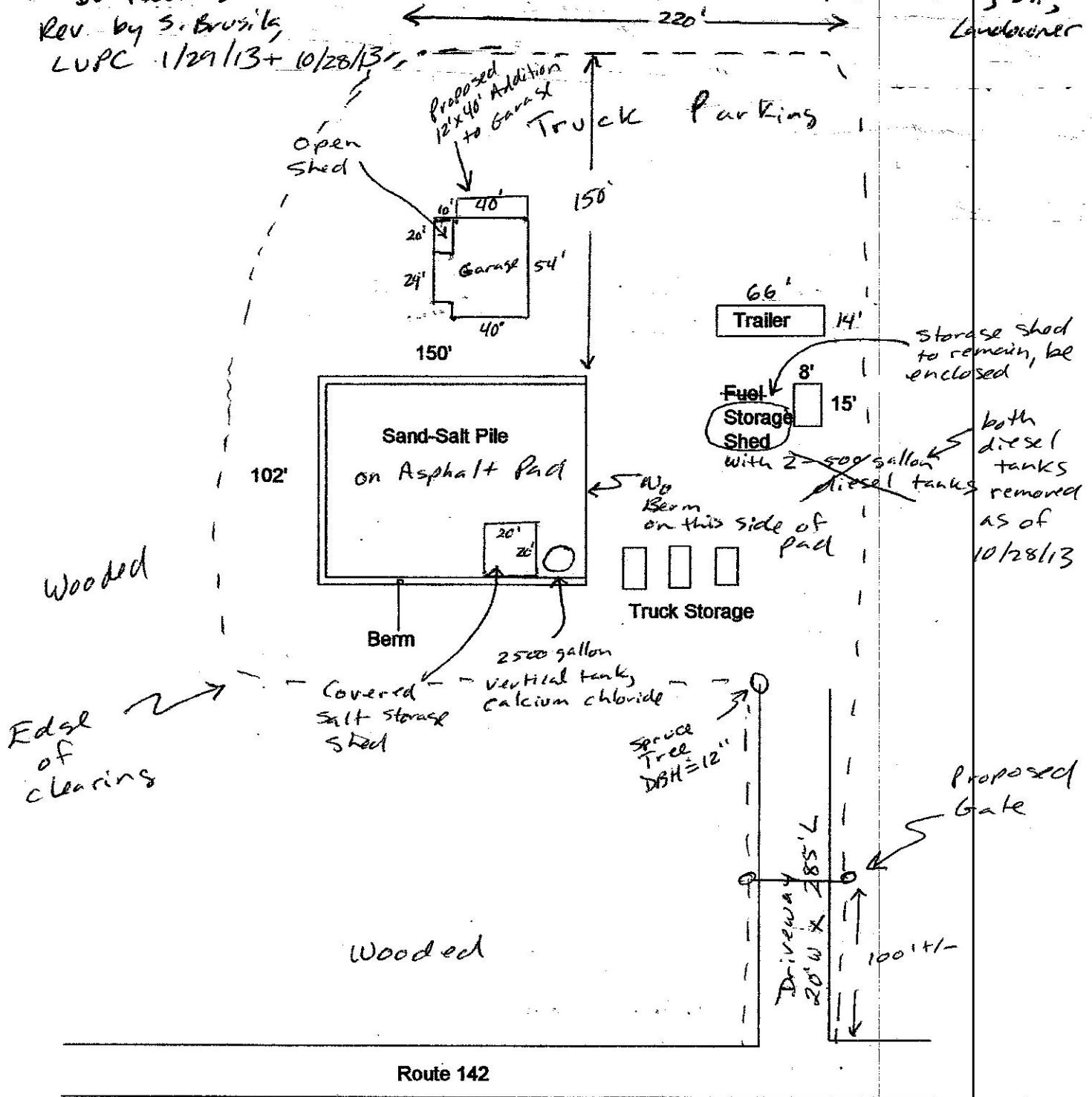
By: *Sara Z. Brunile*
for Nicholas Livesay, Director

Tellis Fenwick, Jr.
DP 4558-B Salem Twp.
Original Site Plan
Dr. Rodrigues 1/18/01
Rev. by S. Brusik,
LUPC 1/29/13 + 10/28/13

10/28/13 S.R. visit

2:30 PM - 3:00 PM

Attending: S. Brusik LUPC
Tellis Fenwick, Jr.,
Landowner





STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

STANDARD CONDITIONS OF APPROVAL FOR ALL DEVELOPMENT PERMITS

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Regulation Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Regulation Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Regulation Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Regulation Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a "well-distributed stand of trees" adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a "well-distributed stand of trees" shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)		Points
2.0 to < 4.0		1
4.0 to < 8.0		2
8.0 to < 12.0		4
12.0 +		8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

F. FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein.

Filling and grading activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

1. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
2. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN subdistricts which are greater than 250 feet from water bodies and wetlands. In such M-GN subdistrict areas, the provisions of Section 10.27,F,4 and 6 shall apply; and
3. Clearing of areas to be filled or graded is subject to the clearing standards of Section 10.27,B; and
4. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
5. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of a flowing water, a body of standing water, tidal water, or upland edge of wetlands identified as P-WL.1 subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
10 or less	100
20	130
30	170
40	210
50	250
60	290
70	330

Table 10.27,F-1. Unscarified filter strip width requirements for exposed mineral soil created by filling and grading.

6. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.

J. SIGNS

Signs not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed sign, which is not in conformance with the standards of this section, shall be erected and maintained in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Signs Not Requiring a Permit.

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Section 10.27,J,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

- a. Signs identifying stops or fare zone limits of common carriers;
- b. Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- c. Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
- d. Traffic control signs or devices;
- e. Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 square feet. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- f. Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- g. Memorial signs or tablets;
- h. Signs erected by county fairs and expositions for a period not to exceed six weeks;
- i. Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- j. Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- k. Official business directional signs as defined and authorized by 23 M.R.S.A. §21.
- l. Sign kiosks near trail intersections that do not exceed 128 square feet of surface area used for the placement of multiple individual signs including those advertising a place of business. No more than one sign kiosk may be located near any trail intersection and

individual signs (other than maps) on such kiosks shall not exceed 4 square feet in size. No other signs advertising a place of business shall be located at such intersections. Such kiosks shall not be visible from a public roadway.

- m. Signs containing only a symbol or design identifying gas, food or lodging services and the distance and/or direction to such services at trail intersections without a sign kiosk. Such signs are not to exceed 4 square feet in size.
- n. Signs identifying a particular place of business offering gas, food, or lodging at the intersection of a local feeder trail leading directly to that place of business. Such signs are not to exceed 4 square feet in size and shall not be visible from a public roadway.
- o. **On-Premise Signs.** Owners or occupants of real property may erect and maintain on-premise signs, except roof signs, advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the following requirements and the regulations set forth in Section 10.27,J,2 below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

Subdistricts	Maximum Size for Each Individual Sign (square feet)	Maximum Aggregate Area of all Signs for Facility Being Advertised (square feet)
D-CI, D-ES, D-GN, D-GN2, D-GN3, D-MT, D-PD, M-GN, M-HP	32	64
D-RS, D-RS2, D-RS3, M-NC and All Protection Subdistricts	8	16

Table 10.27,J-1. Size limitations for on-premise signs.

- (2) On-premise signs shall not be located more than 1,000 feet from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 square feet, except signs advertising a subdivision which shall be limited in size as provided by Section 10.27,J,1,o,(1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 feet above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs which are not in conformance with the preceding requirements and all roof signs may be allowed only under the provisions of a permit from the Commission.

2. Regulations Applying to All Signs.

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

- a. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- c. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- d. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- e. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- f. Is in violation of, or at variance with, any other applicable State law or regulation;
- g. Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- h. Is not clean or in good repair; or
- i. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

3. Criteria for Sign Approval.

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A. §685-B(4) as well as the following:

- a. That the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- b. That the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- c. That the sign will not constitute a hazard to the flow of traffic; and
- d. That the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.27,J,1.

J. SIGNS

Signs not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed sign, which is not in conformance with the standards of this section, shall be erected and maintained in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Signs Not Requiring a Permit.

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Section 10.27,J,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

- a. Signs identifying stops or fare zone limits of common carriers;
- b. Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- c. Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
- d. Traffic control signs or devices;
- e. Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 square feet. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- f. Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- g. Memorial signs or tablets;
- h. Signs erected by county fairs and expositions for a period not to exceed six weeks;
- i. Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- j. Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- k. Official business directional signs as defined and authorized by 23 M.R.S.A. §21.
- l. Sign kiosks near trail intersections that do not exceed 128 square feet of surface area used for the placement of multiple individual signs including those advertising a place of business. No more than one sign kiosk may be located near any trail intersection and

individual signs (other than maps) on such kiosks shall not exceed 4 square feet in size. No other signs advertising a place of business shall be located at such intersections. Such kiosks shall not be visible from a public roadway.

- m. Signs containing only a symbol or design identifying gas, food or lodging services and the distance and/or direction to such services at trail intersections without a sign kiosk. Such signs are not to exceed 4 square feet in size.
- n. Signs identifying a particular place of business offering gas, food, or lodging at the intersection of a local feeder trail leading directly to that place of business. Such signs are not to exceed 4 square feet in size and shall not be visible from a public roadway.
- o. **On-Premise Signs** Owners or occupants of real property may erect and maintain on-premise signs, except roof signs, advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the following requirements and the regulations set forth in Section 10.27,J,2 below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

Subdistricts	Maximum Size for Each Individual Sign (square feet)	Maximum Aggregate Area of all Signs for Facility Being Advertised (square feet)
D-CI, D-ES, D-GN, D-GN2, D-GN3, D-MT, D-PD, M-GN, M-HP	32	64
D-RS, D-RS2, D-RS3, M-NC and All Protection Subdistricts	8	16

Table 10.27,J-1. Size limitations for on-premise signs.

- (2) On-premise signs shall not be located more than 1,000 feet from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 square feet, except signs advertising a subdivision which shall be limited in size as provided by Section 10.27,J,1,o,(1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 feet above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs which are not in conformance with the preceding requirements and all roof signs may be allowed only under the provisions of a permit from the Commission.

2. Regulations Applying to All Signs.

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

- a. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- c. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- d. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- e. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- f. Is in violation of, or at variance with, any other applicable State law or regulation;
- g. Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- h. Is not clean or in good repair; or
- i. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

3. Criteria for Sign Approval.

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A. §685-B(4) as well as the following:

- a. That the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- b. That the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- c. That the sign will not constitute a hazard to the flow of traffic; and
- d. That the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.27,J,1.